

AFFIDAVIT OF SPECIAL AGENT MICHAEL M. FINNERTY

I, Michael M. Finnerty, having been duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Since 2001, I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice (“ATF”). Previously, I was a Deputy United States Marshal for approximately three years. My current responsibilities include investigating and enforcing federal firearms laws. I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia from May to August 1998 at which I received training and instruction regarding firearms, execution of search and arrest warrants, investigative techniques and Fourth Amendment search and seizure law. In addition, from March to May 2002, I attended specialized training called ATF New Professional Training at FLETC at which I received instruction in firearms technology and identification, firearms trafficking, explosives and arson. During my career as a Special Agent, I have participated in the execution of numerous arrest and search warrants.

PURPOSE OF AFFIDAVIT

2. I make this affidavit in support of an application for a complaint charging Rodney HALL (born 1984) with the offenses of possession with intent to distribute more than 500 grams of cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); and being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (the “Subject Offenses”).

3. The facts set forth in this affidavit come from my personal observations, my training and experience, and the information obtained from other agents, police officers and other sources. I submit this affidavit for the limited purpose of establishing probable cause for the issuance of a criminal complaint and arrest warrant, and therefore have only included facts that I believe are necessary to establish probable cause. This affidavit does not include all of the

facts uncovered during this investigation.

PROBABLE CAUSE

4. On September 30, 2020, troopers from the Massachusetts State Police (“MSP”) conducted surveillance of HALL as part of an ongoing investigation into his drug trafficking activities. That afternoon, investigators saw HALL arrive at 8 Rodney Street in Worcester, Massachusetts in a white Mitsubishi SUV bearing South Carolina registration. HALL exited the Mitsubishi and entered the back seat of a blue Toyota Camry bearing Massachusetts registration. Investigators observed the Camry drive around the block for approximately one minute. The Camry then stopped at the corner of Belmont and Rodney Streets and HALL exited the vehicle.

5. HALL then entered the market located at the corner of Belmont and Rodney streets. When HALL exited the store, MSP Trooper Felipe Martinez approached him with his badge visible. Trooper Martinez found HALL in possession of two mobile phones, a Mercedes-Benz key, and approximately \$2,300 in cash.

6. At approximately that same time, other officers conducted a motor vehicle stop of the Camry on Shrewsbury Street. The driver of the vehicle was a male with the initials N.M. (born 1993) and the passenger was a male with the initials J.V. (born 1994).¹ J.V. stated that he had just purchased approximately a half an ounce (approximately 14 grams) of crack cocaine from HALL for \$1,500. J.V. then provided investigators with a knotted baggie containing an off-white rock like substance that was consistent in appearance with crack cocaine. The MSP

¹ Investigators know the identity of all the witnesses identified by initials in this affidavit. Investigators have reviewed the Massachusetts criminal histories for N.M. and J.V. N.M. has prior convictions for malicious destruction of property, drug possession, breaking and entering, assault and battery, assault and battery with a dangerous weapon, and illegal possession of a firearm. J.V. (who initially misidentified himself to investigators) has prior convictions for possession with intent to distribute heroin and crack cocaine, possession of heroin, trespassing, and carrying a dangerous weapon.

Drug Lab tested this substance and determined it to be approximately 27.92 grams of a substance containing cocaine.

7. Investigators then travelled to HALL's residence on Hatfield Street in Worcester. HALL's name, as well as the name of his girlfriend, was listed on the mailbox for the apartment. Investigators opened the apartment using a key that they had seized from HALL, confirmed that no one was present in the residence, and then secured the apartment pending the issuance of a search warrant.

8. Trooper Martinez then obtained a search warrant from Worcester District Court to search HALL's residence. This apartment is a three-bedroom apartment. From one bedroom, investigators seized a substance that the MSP Crime Lab subsequently tested and determined to contain cocaine and weigh approximately 650 grams. In the same bedroom, investigators also seized a loaded 9 mm Beretta semi-automatic pistol bearing serial number BR8140V, a second homemade pistol, and ammunition. The same bedroom also contained paperwork in HALL's name, as well as men's clothing and shoes. Investigators also located plastic baggies, a digital scale and approximately \$7,000 in cash in the apartment.

9. I have experience conducting interstate nexus examinations on firearms. I know, based on my training and experience, that the 9 mm Beretta semi-automatic pistol seized from HALL's apartment qualifies as a firearm under federal law and that it has affected interstate or foreign commerce as it was manufactured outside of the Commonwealth of Massachusetts.

CRIMINAL HISTORY

10. I have reviewed HALL's criminal history. In August 2010, HALL was convicted in Worcester Superior Court for possession of a large capacity weapon and trafficking cocaine. HALL was sentenced to not less than between three and not more than five years in prison for these crimes. Given the length of this prior sentence, HALL knew on September 30, 2020 that he had been convicted of a crime that was punishable for a term of imprisonment exceeding one year.


CONCLUSION

11. WHEREFORE, I respectfully request that the Court issue a criminal complaint charging Rodney HALL with possession with intent to distribute more than 500 grams of cocaine, in violation of 21 U.S.C. § 841; and, being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).


Michael M. Finnerty
Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to via telephone in accordance with Federal Rule of
Criminal Procedure 4.1 on December 22, 2020: 2:52 p.m.


David H. Hennessy
United States Magistrate Judge

